

EXHIBIT A

From: CK Lee
To: Katherine Otto
Cc: Jasmin Perez; Abigail Nitka; Phillip Kim; Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis; Asish A. Nelluvally; Ashley Leist; Brian Murphy; Lisa Lewis; William Brown
Subject: Re: Garcia Depositions
Date: Tuesday, November 20, 2018 11:35:26 PM

U need to file your protective order then. Your incessant demands are outrageous.

CK Lee
Sent from my iPhone

On Nov 20, 2018, at 10:14 PM, Katherine Otto <kotto@messner.com> wrote:

Mr. Lee, Mr. Kim, Mr. Brown and Ms. Perez:

We do not agree to schedule depositions at 5:00 p.m. or any other time the Court will not be available to resolve disputes during depositions. This includes 4:00 p.m. depositions, because our understanding is that our Judge is only available until 4:30 p.m.

I attended today's deposition with Mr. Lee, Ms. Perez and the witness. Numerous issues arose, including Mr. Lee interrupting the witness, interrupting Chipotle's counsel, talking over Chipotle's counsel during proper objections, attempts to intimidate Chipotle's counsel by speaking with a raised voice and argumentative tone, argumentative leading questions of the witness on direct examination, leading questions that mischaracterized the witness's prior testimony, repeating questions multiple times in an attempt to elicit a different answer, excessive and distracting noise during Chipotle's counsel's questions, and attempting to obstruct and limit Chipotle's examination of the witness. Today's transcript will reflect these issues and preservation of Chipotle's objections for the record, but a call to chambers was necessary during today's deposition, and we anticipate it will be necessary for future depositions if this conduct continues. Based on events at the first three declarant depositions, we have reason to believe abusive deposition conduct will escalate if the Court is unavailable to resolve disputes when they arise. We wish to avoid that scenario, and to complete the declarant depositions without further delay and court involvement, if possible.

The November 21 depositions will proceed as scheduled, but your office will need to reschedule any depositions after November 21 that are scheduled to begin after 3:00

p.m. If you will not agree to reschedule future 4:00 p.m. and 5:00 p.m. depositions, we will file a Motion for Protective Order and request that all depositions be suspended until the Court has issued a ruling regarding abusive deposition conduct. With respect to the November 21 depositions, abusive deposition conduct will not be tolerated. If the deposing attorney attempts to restrict, limit, or interfere with

Chipotle's right to examine the witness, or otherwise interfere with Chipotle's right to preserve an accurate record of the proceedings, we will contact the Court and seek a ruling. If the Court is unavailable, and the deposing attorney's conduct continues, Chipotle will invoke F.R.C.P. 30(d)(3)(A) and terminate the deposition to obtain a ruling from the Court before the deposition will proceed.

Please let us know your position on rescheduling depositions currently scheduled to begin at 4:00 p.m. and 5:00 p.m., so that we may inform the Court.

Katherine Otto
Partner

Messner Reeves LLP

805 Third Avenue | 18th Floor
New York NY 10022

1430 Wynkoop Street | Suite 300
Denver CO 80202

646.663.1860 *main* | 646.663.1895 *fax*
646.595.1102 *direct* | 720.233.8187
mobile kotto@messner.com
messner.com

From: Jasmin Perez [<mailto:jasmin@leelitigation.com>]
Sent: Tuesday, November 20, 2018 11:50 AM
To: Abigail Nitka <anitka@messner.com>; Phillip Kim <phil@leelitigation.com>; CK Lee <cklee@leelitigation.com>
Cc: Tom R. Blackburn <tblackburn@messner.com>; Lena Brinjikji <lbrinjikji@messner.com>; Kristina Wright <kwright@messner.com>; Jeanine Montoya <jmontoya@messner.com>; Javanna Lewis <JLewis@messner.com>; Asish A. Nelluvely <ANelluvely@messner.com>; Katherine Otto <kotto@messner.com>; Ashley Leist <aleist@messner.com>; 'Brian Murphy' <BMurphy@sheppardmullin.com>; 'Lisa Lewis' <lmlewis@sheppardmullin.com>; William Brown <will@leelitigation.com>
Subject: Re: Garcia Depositions

One more: (DECLARANT DEPOSITION)

Ann Felix - 11/30/18 at 5:00 pm

Regards,

--

Jasmin Perez
Lee Litigation Group, PLLC
30 E. 39th Street, Second Floor
New York, NY, 10016
Email: jasmin@leelitigation.com
Main: (212) 465-1180
Direct: (212) 661-0053
Fax: (212) 465-1181

From: Jasmin Perez
Sent: Tuesday, November 20, 2018 12:15:50 PM
To: Abigail Nitka; Phillip Kim; CK Lee
Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;
Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'; William Brown
Subject: Re: Garcia Depositions

Just received two more confirmations:

One is for OPT IN DEPOSITIONS:
Coreale Jones - 11/30/18 at 2:00 pm

One is for DECLARANTS DEPOSITIONS:
Lucero Lopez - 11/28/18 at 5:00 pm

Thank you.

Regards,

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Jasmin Perez
Lee Litigation Group, PLLC
30 E. 39th Street, Second Floor
New York, NY, 10016
Email: jasmin@leelitigation.com
Main: (212) 465-1180
Direct: (212) 661-0053
Fax: (212) 465-1181

From: Jasmin Perez

Sent: Tuesday, November 20, 2018 12:03:58 PM

To: Abigail Nitka; Phillip Kim; CK Lee

Cc: Tom R. Blackburn; Lena Brinjkji; Kristina Wright; Jeanine Montoya; Javanna Lewis;

Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'; William Brown

Subject: Re: Garcia Depositions

Counsel -

We've scheduled two more depositions (DECLARANTS):

Eduardo Pena - 11/26/18 at 9:00 am

Hilda Fuentes - 11/27/18 at 4:00 pm

To avoid any confusion, below please see a list of all of the upcoming scheduled depositions:

11/20/18 at 3pm - Cynthia P. Flores Garcia

11/21/18 at 11am - Nadine Menendez

11/21/18 at 1pm - Sumaila Sillah

11/21/18 at 4pm - Arianna Mercado

11/26/18 at 9am - Eduardo Pena

11/27/18 at 2pm - Angel Ramirez

11/27/18 at 4pm - Hilda Fuentes

Thank you.

Regards,

--

Jasmin Perez

Lee Litigation Group, PLLC

30 E. 39th Street, Second Floor

New York, NY, 10016

Email: jasmin@leelitigation.com

Main: (212) 465-1180

Direct: (212) 661-0053

Fax: (212) 465-1181

From: Jasmin Perez

Sent: Friday, November 16, 2018 11:58 AM

To: Abigail Nitka; Phillip Kim; CK Lee

Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;

Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'; William Brown

Subject: Re: Garcia Depositions

Counsel -

We have scheduled the following depositions (Declarant Depositions), in person, at our office:

11/20/18 at 3pm - Cynthia P. Flores Garcia

11/21/18 at 11am - Nadine Menendez

11/21/18 at 1pm - Sumaila Sillah

11/21/18 at 4pm - Arianna Mercado

11/27/18 at 2pm - Angel Ramirez

Thank you.

Regards,

--

Jasmin Perez

Lee Litigation Group, PLLC

30 E. 39th Street, Second Floor

New York, NY, 10016

Email: jasmin@leelitigation.com

Main: (212) 465-1180

Direct: (212) 661-0053

Fax: (212) 465-1181

From: Abigail Nitka <anitka@messner.com>

Sent: Wednesday, November 14, 2018 4:01:13 PM

To: Phillip Kim; Jasmin Perez; CK Lee

Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;

Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'; William Brown

Subject: RE: Garcia Depositions

Phillip, William and CK,

Please give us an updated list of confirmed declarant depositions including dates and times based on the court's ruling that those witnesses within commuting distance must appear in person at your offices.

Thanks in advance,
Abby

Abigail Nitka
Partner

Messner Reeves
LLP

805 Third Avenue | 18th Floor
New York, NY 10022
646 663 1874 *direct* | 646 663 1860 *main*
646 663 1895 *fax*
anitka@messner.com
messner.com

From: Phillip Kim [<mailto:phil@leelitigation.com>]
Sent: Wednesday, November 14, 2018 11:15 AM
To: Abigail Nitka <anitka@messner.com>; Jasmin Perez <jasmin@leelitigation.com>; CK Lee <cklee@leelitigation.com>
Cc: Tom R. Blackburn <tblackburn@messner.com>; Lena Brinjikji <lbrinjikji@messner.com>; Kristina Wright <kwright@messner.com>; Jeanine Montoya <jmontoya@messner.com>; Javanna Lewis <JLewis@messner.com>; Asish A. Nelluvely <ANelluvely@messner.com>; Katherine Otto <kotto@messner.com>; Ashley Leist <aleist@messner.com>; 'Brian Murphy' <BMurphy@sheppardmullin.com>; 'Lisa Lewis' <lmlewis@sheppardmullin.com>; William Brown <will@leelitigation.com>
Subject: Re: Garcia Depositions

Hi Abigail,

We just got a response from Deja that she'll not be able to make it today due to a family emergency. Hope I got you before you left.

Thank you,
Phillip Kim

From: Abigail Nitka <anitka@messner.com>
Sent: Wednesday, November 14, 2018 11:13:10 AM
To: Phillip Kim; Jasmin Perez; CK Lee
Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;
Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'; William Brown
Subject: RE: Garcia Depositions

Ok – understood. We will see you there.

Abigail Nitka
Partner

Messner Reeves
LLP

805 Third Avenue | 18th Floor
New York, NY 10022
646 663 1874 *direct* | 646 663 1860 *main*
646 663 1895 *fax*
anitka@messner.com
messner.com

From: Phillip Kim [<mailto:phil@leelitigation.com>]
Sent: Wednesday, November 14, 2018 11:12 AM
To: Abigail Nitka <anitka@messner.com>; Jasmin Perez <jasmin@leelitigation.com>;
CK Lee <cklee@leelitigation.com>
Cc: Tom R. Blackburn <tblackburn@messner.com>; Lena Brinjikji
<lbrinjikji@messner.com>; Kristina Wright <kwright@messner.com>; Jeanine
Montoya
<jmontoya@messner.com>; Javanna Lewis <JLewis@messner.com>; Asish A.
Nelluvely <ANelluvely@messner.com>; Katherine Otto <kotto@messner.com>;
Ashley Leist
<aleist@messner.com>; 'Brian Murphy' <BMurphy@sheppardmullin.com>; 'Lisa
Lewis'
<lmlewis@sheppardmullin.com>; William Brown <will@leelitigation.com>
Subject: Re: Garcia Depositions

Hi Abigail,

We informed Lena and Ash yesterday that the 12 p.m. deposition is scheduled to be in person and should not be affected by the objections raised in the letter. As of now, we have not gotten a confirmation from Deja Bruton that she'll be coming in, but assuming that she does, we will proceed with the deposition as scheduled.

Thank you,
Phillip Kim

From: Abigail Nitka <anitka@messner.com>

Sent: Wednesday, November 14, 2018 10:49:53 AM

To: Jasmin Perez; Phillip Kim; CK Lee

Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;

Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'; William Brown

Subject: Garcia Depositions

Phil, CK and William,

I am writing to confirm our understanding that the deposition scheduled for 12 noon today will not go forward at that time because of the issues addressed in the letters filed late yesterday. If we are incorrect in our understanding please let us know.

In addition, please provide affidavits of service for all declarant subpoenas served to date.

Abby

Abigail Nitka
Partner

Messner Reeves
LLP

805 Third Avenue | 18th Floor
New York, NY 10022
646 663 1874 *direct* | 646 663 1860 *main*
646 663 1895 *fax*
anitka@messner.com
messner.com

From: Jasmin Perez [<mailto:jasmin@leelitigation.com>]

Sent: Monday, November 12, 2018 10:37 AM

To: Phillip Kim <phil@leelitigation.com>; Abigail Nitka <anitka@messner.com>; CK Lee
<cklee@leelitigation.com>

Cc: Tom R. Blackburn <tblackburn@messner.com>; Lena Brinjikji
<lbrinjikji@messner.com>; Kristina Wright <kwright@messner.com>; Jeanine Montoya
<jmontoya@messner.com>; Javanna Lewis <JLewis@messner.com>; Asish A. Nelluvely <ANelluvely@messner.com>; Katherine Otto <kotto@messner.com>; Ashley Leist
<aleist@messner.com>; 'Brian Murphy' <BMurphy@sheppardmullin.com>; 'Lisa Lewis'
<lmlewis@sheppardmullin.com>; William Brown <will@leelitigation.com>

Subject: Re: Garcia Deposition Confirmations

Good morning all.

The following additional depositions had been previously confirmed, but I wanted to make sure everyone who is CC:ed in this email had the information: All 3 depositions will be conducted over the phone.

Arianna Mercado - 11/13/2018 at 4:00 pm
Deja Bruton - 11/14/2018 at 12:00 pm
Argerly Hernandez - 11/14/2018 at 2:00 pm

Thank you.

Regards,

--

Jasmin Perez
Lee Litigation Group, PLLC
30 E. 39th Street, Second Floor
New York, NY, 10016
Email: jasmin@leelitigation.com
Main: (212) 465-1180
Direct: (212) 661-0053
Fax: (212) 465-1181

From: Phillip Kim
Sent: Thursday, November 8, 2018 4:28 PM
To: Abigail Nitka; Jasmin Perez; CK Lee

Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;
Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'
Subject: Re: Garcia Deposition Confirmations

Good afternoon Abigail,

That's all correct. To confirm,

Friday (11/9):

no depositions

Monday (11/12):

@ Lee Litigation

9am - Crystal Montgomery

2pm - Donna Chalco

@ Sheppard Mullin

10am - Sadie Hill

2pm - Victor Jenkins

Tuesday (11/13):

@ Lee Litigation

2pm - Lucero Lopez

@ Sheppard Mullin

2pm - Yerika Gonzales

Please let me know if you have any questions.

Thank you,
Phillip Kim

From: Abigail Nitka <anitka@messner.com>

Sent: Thursday, November 8, 2018 1:49:04 PM

To: Jasmin Perez; CK Lee; Phillip Kim

Cc: Tom R. Blackburn; Lena Brinjikji; Kristina Wright; Jeanine Montoya; Javanna Lewis;

Asish A. Nelluvely; Katherine Otto; Ashley Leist; 'Brian Murphy'; 'Lisa Lewis'

Subject: Garcia Deposition Confirmations

Phil and CK,

As we have not heard from you to confirm, we are moving forward under the following assumptions regarding upcoming depositions:

Friday, 11/9

There are no confirmed depositions scheduled for Friday, 11/9.

The following depositions previously subpoenaed for Friday, 11/9, are not confirmed and therefore are not taking place on Friday, 11/9:

Julissa Linares at 9 am,
Arianna Mercado at 11 am,
Franceska Almonte at 2 pm, and
Argely Hernandez at 4 pm

Monday, 11/12

The only subpoenaed depositions currently **confirmed** on Monday, 11/12 are:
Crystal Montgomery at 9 am, and
Donna Chalco at 2 pm

The following opt-in depositions **are also occurring** on Monday, 11/12
Sadie Hill, 10 am
Victor Jenkins, also at 2 pm

The following depositions previously subpoenaed for Monday, 11/12, are **not confirmed** and therefore are not taking place on Monday, 11/12:

Marcus Mulligan at 9 am,
Angel Segura Gonzales at 11 am, and
Angel Ramirez at 4 pm.

Tuesday, 11/13

The only subpoenaed deposition currently **confirmed** on Tuesday, 11/13 is:

Lucero Lopez at 2 pm

The following opt-in deposition is **also occurring** on Tuesday, 11/13
Yerika Gonzalez also at 2 pm

The following depositions subpoenaed for Tuesday, 11/13, are **not yet confirmed**:

Genesis Pena Diaz at 9 am,
Nadine Menendez at 11 am, Lucely
Melo De La Rosa at 2 pm, and
Sumailla Sillah at 4 pm.

Under our current understanding, if we do not hear from you two business days prior to a subpoenaed deposition, the deposition is cancelled.

Opt-in depositions are taking place at Sheppard Mullin. Subpoenaed depositions are taking place at your offices.

If our understanding is wrong on any of the above please let us know immediately.

Best,
Abby



Abigail Nitka
Partner

Messner Reeves
LLP

805 Third Avenue | 18th Floor
New York, NY 10022
646 663 1874 *direct* | 646 663 1860 *main*
646 663 1895 *fax*
anitka@messner.com
messner.com



Asish A. Nelluvely

From: Asish A. Nelluvely
Sent: Wednesday, November 28, 2018 10:02 PM
To: 'cklee@leelitigation.com'
Cc: 'will@leelitigation.com'; 'phil@leelitigation.com'; Katherine Otto; Abigail Nitka; John K. Shunk; Tom R. Blackburn; Lena Brinjikji; Kristina Wright; 'Brian Murphy'; Lisa Lewis
Subject: Garcia v. Chipotle Mexican Grill, Inc. - Declarant Depositions

Mr. Lee,

I am following up on my conferral with you that occurred immediately after the 5:00 p.m. deposition today. Your conduct during the deposition was abusive, obstructive, and violative of the Federal Rules of Civil Procedure. We previously raised these issues with you after your abusive deposition conduct on November 20, 2018, and until today, understood that the conferral had been effective and the abusive conduct would no longer occur. Unfortunately, your abusive conduct returned today, and escalated because you knew the Court would be unavailable to take a call from counsel during the deposition.

Your conduct today must be addressed with the Court, and no further depositions can proceed until the Court has addressed these issues. We intend to file a Motion for Protective Order raising these issues and seeking sanctions, including a ruling that no further Declarant depositions should be permitted in light of these flagrant abuses and a request for an award of attorneys' fees. Under the Federal Rules of Civil Procedure, no depositions may proceed while the Motion is pending. Based on our in-person conferral today, we presume that you object. However if you will agree that no further Declarant depositions will proceed, no Motion will be necessary. Please let us know by 10:00 a.m. on Thursday, November 29, 2018 whether you will agree to cancel all future Declarant depositions, otherwise, we will file our Motion and state that you object.

Sincerely,



MESSNER REEVES LLP

Asish A. Nelluvely
Attorney

Messner Reeves LLP
805 Third Avenue | 18th Floor
New York, NY 10022
646 595 1101 *direct* | 646 663 1860 *main*
646 663 1895 *fax*
anelluvely@messner.com
messner.com

DENVER | DENVER TECH CENTER | INLAND EMPIRE | LAS VEGAS
LOS ANGELES | NEW YORK | NEWPORT BEACH | SALT LAKE CITY | SILICON VALLEY